IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.493/2006

Synapse Information Services Pvt. Ltd. ..... Petitioners.

V/s.

Info Tech Corporation of Goa Ltd. ..... Respondent.

Mr. N. Costa Frias, Advocate for the petitioner.

Mr. M. S. Sonak, Advocate for the respondent.

CORAM : S.A. BOBDE &
N.A. BRITTO, JJ.

DATE : 6th March, 2007.

P.C.

By this petition, the petitioner has challenged the refusal of the respondent to allot land to them. The petitioner is a Company which is seeking allotment of land. The respondent is a Government of Goa undertaking which has land available for disposal. The respondent invited applications for allotment of land on the basis of eligibility criteria and the terms and conditions for allotment of plots vide Annexure "B" to the petition.

2. In pursuance of the application, the petitioner applied for a plot of size of 3630 sq. metres at Rajiv Gandhi IT Habitat at Dona Paula, Goa and enclosed the following documents:

a) Annexure IV which contains the application for the Plot and

Details of Synapse Information Services Pvt. Ltd.

b) A 3-page document that serves as an introduction to Synapse Information Services and its promoters.

c) An Expression of Interest from SIDBI, their financial institutional partner for the expansion plan.

d) A Demand Draft of Rs.1,81,500 (Rs. one lakh eighty one thousand five hundred) towards the security deposit.

e) A Demand Draft of Rs.2,000 as non-refundable processing fees.

f) Audited Financial Results for the first two quarters of this financial year.

g) IT Returns of the promoters, Gourav Jaswal and Gulnar Joshi.

3. There were some meetings between the petitioners and the respondent. According to the eligibility criteria, the respondent asked the petitioners for additional information, which the petitioners did not furnish on the ground that they have already submitted the same along with the application. Eventually, the respondent rejected the petitioner's request for allotment on the following grounds:

That the petitioner have not submitted project report which was necessary; that after analyzing the application, particularly in respect of cost of project and means of finance and the balance sheet as of 31st October, 2005, it was observed that as per the balance sheet the funds mentioned as cash & bank balance “Rs.19.07” and advance recovered in cash or kind or valid to be receipt is Rs.3.41 lakhs (i.e. total amount of Rs.22.48 lakhs) perhaps could be considered as available for the proposed project and that as per the

application, Promoters Capital is Rs.1,00,48,600/- and proposed loan from financial institution is Rs.1,32,50,000/- i.e. the total funds available for the project is Rs.2,32,98,600/-; that the cost of the project indicated is Rs.2,32,98,600/- and that in absence of project report which ought to have been submitted along with application, it is not possible to find out as to how much the petitioner will invest in the building which is to be constructed for the proposed project. This cost ordinarily constitutes fairly large component at the cost of the project considering the area of plot that the petitioner applied for.

4. Thereafter, apparently, the petitioners wrote a letter at Exhibit “G” trying to point out that they had, in fact, submitted details such as project report and the details of the investment which they would make in the building. This explanation has not been accepted by the respondent. According to him, the petitioners' so called project report is not the project report for the purpose of this allotment. It is a general information which could have been obtained even on the net. The petitioners have further said that the attempt of the petitioners to show that their erection cost should be treated as `construction cost' for the building is, in any way, not satisfactory since, according to the respondent, the investment which they propose to make for erection i.e. about 58.00 lakhs would not be appropriate for the land of 3630 sq. metres where the land cost itself is Rs.1.4 crores. Indeed, it is not the function of this Court to determine what proposal should be accepted, in what manner by any of the parties who are intending to enter into the contract.

5. In any case, we see no right in the petitioners to have the land in question allotted to the petitioners. We are satisfied that the petitioners' proposal has been considered by the respondent which is a Government of Goa undertaking. There is no legal duty cast on the respondent to accept the petitioner's proposal.

6. Mr. Sonak, learned Counsel for the respondent referred to para 9 of the affidavit-in-reply where the respondent has stated that some larger plots are available and that if the petitioners make a fresh application, it would be considered. However, this has been turned down by the petitioners. In the circumstances, we see no legal right in the petitioners to such allotment. In fact, the petitioners have even turned down an opportunity granted by the Court to enable the petitioners to make a representation in respect of the available plots, if necessary by seeking sub-division of a small plot.

7. At this point, we must refer to a very strange action taken by the petitioners.. When the matter had come up for admission on 16.10.2006, this Court did not grant interim relief to the petitioners and the matter was kept for hearing on 13.11.2006. Apparently, the petitioners issued a public notice for publication in the Navhind Times to the effect that the petition was due to come up for hearing on 13.11.2006 and that any allotment of plots would be subject to the result of the petition before the High Court. It is a clear case of overreaching on the part of the petitioners to issue a pubic notice like this, when the matter is *sub judice.* The attempt was clearly to pressurise the

respondent and to create problems in the allotment of plots.

8. Having regard to the overall circumstances, we see no merit in the petition whatsoever, which is hereby dismissed with costs.

S.A. BOBDE, J.

N.A. BRITTO, J.

ssm.